

1 P. Kristofer Strojnik, SBN 242728  
2 pstrojnik@strojniklaw.com  
3 Esplanade Center III, Suite 700  
4 2415 East Camelback Road  
5 Phoenix, Arizona 85016  
6 415-450-0100 (tel.)

7 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10 THERESA BROOKE, a married woman  
11 dealing with her sole and separate claim,

12 Plaintiff,

13 vs.

14 3850 STATE STREET OWNER LLC, a  
15 Delaware limited liability company,

16 Defendant.

Case No:

**VERIFIED COMPLAINT**

**(JURY TRIAL DEMANDED)**

17 Plaintiff alleges:

18 **PARTIES**

19 1. Plaintiff Theresa Brooke is a married woman. Plaintiff is legally disabled,  
20 and is therefore a member of a protected class under the ADA, 42 U.S.C. § 12102(2),  
21 the regulations implementing the ADA set forth at 28 CFR §§ 36.101 et seq., the  
22 California Unruh Civil Rights Act. Plaintiff ambulates with the aid of a wheelchair due  
23 to the loss of a leg.

24 2. Defendant, 3850 State Street Owner LLC, owns and/or operates and does  
25 business as the hotel Best Western Plus Pepper Tree Inn located at 3850 State Street,  
26 Santa Barbara, California 93105. Defendant's hotel is a public accommodation pursuant  
27 to 42 U.S.C. § 12181(7)(A), which offers public lodging services. On information and  
28 belief, Defendant's hotel was built or renovated after March 15, 2012.

**JURISDICTION**

3. Jurisdiction in this Court is proper pursuant to 28 U.S.C. §§ 1331 and 42 U.S.C. § 12188.

4. Plaintiff's claims asserted herein arose in this judicial district and Defendant does substantial business in this judicial district.

5. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) and (c) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

6. Pursuant to *Arroyo v. Rosas*, supplemental jurisdiction is appropriate over Plaintiff's Unruh claim. On a case-specific analysis, there are no compelling reasons to decline jurisdiction.

**ALLEGATIONS**

7. Plaintiff alleges that Defendant's hotel does not have a compliant access aisle at the passenger loading zone adjacent to the hotel lobby in violation of Sections 209 and 503 of the 2010 Standards. An access aisle has specific requirements to be compliant with the Standards: It must be (1) 60 inches wide and at least 20 feet long, (2) it must have an accessible route adjoining it, and (3) it cannot be within a vehicular way. Section 503.3.

8. The requirement for an access aisle at a passenger loading zone is immensely important for a person in a wheelchair such as Plaintiff, as it provides safe access to the entry of the hotel and deters others from placing encumbrances or obstacles there such as a vehicle parking. An access aisle is akin to a cross-walk for pedestrians. Absence of an access aisle where required creates dangerous conditions for a person in a wheelchair such as Plaintiff.

9. Plaintiff further alleges that Defendant's hotel's disabled parking is not the shortest possible route to the Hotel lobby entrance. Section 208.3.1.

1           10. Disabled parking spots relate to Plaintiff's disability because she has only  
2 one leg and uses a wheelchair, and disabled parking provides for an access aisle and  
3 closer distances to an accessible entrance.

4           11. It is more difficult for a person in a wheelchair to move about than a  
5 person who is able to walk; it is also more time-consuming. Hence, disabled parking  
6 spots must be the closest to the building entrance to counter-act the difficulty and extra  
7 time, i.e. make things equal.

8           12. Plaintiff formerly worked in the hospitality industry. She is an avid  
9 traveler across California for purposes of leisure travel and to "test" whether various  
10 hotels comply with disability access laws, doing so at least once per month. Testing is  
11 encouraged by the Ninth Circuit.

12           13. In early June 2025, Plaintiff personally visited Defendant's hotel, which  
13 has a passenger loading zone. Defendant's hotel has a passenger loading zone because  
14 pickup and dropoff occurs there and it is located directly outside of the lobby entrance.  
15 There are also design features showing an intent for utilization as a passenger loading  
16 zone. According to the U.S. Access Board Technical Guidelines on Passenger Loading  
17 Zones, "many hotel entrances" have the design features indicating an intent to utilize as  
18 PLZs.

19           14. While at Defendant's hotel, she discovered that Defendant's hotel has a  
20 barrier to entry to the lobby, which is that the passenger loading zone does not have an  
21 access aisle compliant with Section 503.3. It is an absolute requirement to have an  
22 access aisle at a passenger loading zone pursuant to Sections 209 and 503. The  
23 requirement of an access aisle at a passenger loading zone relates to Plaintiff's  
24 disability of not having one leg and being forced to use a wheelchair because access  
25 aisles are required so persons in a wheelchair can maneuver without threat of danger  
26 from other vehicles and without other encumbrances obstructing their pathway. The  
27 lobby, therefore, is inaccessible to Plaintiff by way of the passenger loading zone  
28 because there is no access aisle.

1           15. Plaintiff, deterred from the barrier at the passenger loading zone, sought  
2 to park in a parking space at the Hotel, which has a parking lot. However, the disabled  
3 parking spot at the Hotel was not on the shortest possible route to the Hotel's entrance;  
4 instead, there are non-disabled parking spots on much shorter routes. This violates  
5 Section 208.3.

6           16. It should also be noted that even assuming the disabled parking was  
7 compliant at the Hotel, which it is not, there is an additional barrier at the disabled  
8 parking – there is no accessible route from the disabled parking space because there is a  
9 lip leading from the disabled parking space access aisle to the adjoining accessible  
10 route. At this time, Plaintiff does not make this allegation, which is an effort to  
11 moderate the damages available against Defendant. However, Plaintiff will insist on  
12 removal of the lip at settlement, and if settlement does not occur, Plaintiff reserves the  
13 right to amend her Complaint to formally allege this barrier.

14           17. Plaintiff gained actual and personal knowledge of two barriers while  
15 visiting Defendant's hotel, and as a result, she was deterred from entering the hotel both  
16 from the barriers and due to the lack of equality.

17           18. Plaintiff has certain plans of returning and staying at the Hotel in October  
18 2025 during one of her many trips across California, in the hopes that Defendant will  
19 have remediated the barriers by then.

20           19. It is readily achievable and inexpensive to modify the hotel to provide an  
21 access aisle and move a disabled parking spot, which involves painting and measuring  
22 tools.

23           20. Without injunctive relief, Plaintiff and others will continue to be unable to  
24 independently use Defendant's hotel in violation of her rights under the ADA.

25                           **FIRST CAUSE OF ACTION**

26           21. Plaintiff incorporates all allegations heretofore set forth.  
27  
28

1           22. Defendant has discriminated against Plaintiff and others in that it has  
2 failed to make its public lodging services fully accessible to, and independently usable  
3 by, individuals who are disabled in violation of 42 U.S.C. § 12182(a) and §  
4 12182(b)(2)(iv) and the 2010 Standards, as described above.

5           23. Defendant has discriminated against Plaintiff in that it has failed to  
6 remove architectural barriers to make its lodging services fully accessible to, and  
7 independently usable by individuals who are disabled in violation of 42 U.S.C.  
8 §12182(b)(A)(iv) and the 2010 Standards, as described above. Compliance with the  
9 2010 Standards would neither fundamentally alter the nature of Defendant's lodging  
10 services nor result in an undue burden to Defendant.

11           24. In violation of the 2010 Standards, Defendant's hotel passenger loading  
12 zone does not have a disability access aisle compliant with Section 503.3 of the  
13 Standards.

14           25. Compliance with 42 U.S.C. § 12182(b)(2)(A)(iv) and the 2010 Standards,  
15 as described above, is readily achievable by the Defendant. *Id.* Readily achievable  
16 means that providing access is easily accomplishable without significant difficulty or  
17 expense.

18           26. Defendant's conduct is ongoing, and Plaintiff invokes her statutory right  
19 to declaratory and injunctive relief, as well as costs and attorneys' fees.

20           27. Without the requested injunctive relief, Defendant's non-compliance with  
21 the ADA's requirements that its passenger loading zone be fully accessible to, and  
22 independently useable by, disabled people is likely to recur.

23           WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- 24           a. DECLARATORY Judgment that at the commencement of this action  
25           Defendant was in violation of the specific requirements of Title III of the  
26           ADA described above, and the relevant implementing regulations of the  
27           ADA;  
28           b. Permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR §  
36.504(a) which directs Defendant to take all steps necessary to bring its

1 passenger loading zone into full compliance with the requirements set  
2 forth in the ADA;

3 c. Payment of costs and attorney's fees;

4 d. Provision of whatever other relief the Court deems just, equitable and  
5 appropriate.

6 **SECOND CAUSE OF ACTION**

7 28. Plaintiff incorporates all allegations heretofore set forth.

8 29. Defendant has discriminated against Plaintiff and others in that it has  
9 failed to make its public lodging services fully accessible to, and independently usable  
10 by, individuals who are disabled in violation of 42 U.S.C. § 12182(a) and §  
11 12182(b)(2)(iv) and the 2010 Standards, as described above.

12 30. Defendant has discriminated against Plaintiff in that it has failed to  
13 remove architectural barriers to make its lodging services fully accessible to, and  
14 independently usable by individuals who are disabled in violation of 42 U.S.C.  
15 §12182(b)(A)(iv) and the 2010 Standards, as described above. Compliance with the  
16 2010 Standards would neither fundamentally alter the nature of Defendant's lodging  
17 services nor result in an undue burden to Defendant.

18 31. In violation of the 2010 Standards, Defendant's Hotel parking lot does not  
19 comply with Section 208.3 of the Standards, as described above.

20 32. Compliance with 42 U.S.C. § 12182(b)(2)(A)(iv) and the 2010 Standards,  
21 as described above, is readily achievable by the Defendant. *Id.* Readily achievable  
22 means that providing access is easily accomplishable without significant difficulty or  
23 expense.

24 33. Defendant's conduct is ongoing, and Plaintiff invokes her statutory right  
25 to declaratory and injunctive relief, as well as costs and attorneys' fees.  
26  
27  
28



- a. Declaratory Judgment that at the commencement of this action Defendant was in violation of the specific requirements of Unruh; and
- b. Permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 CFR § 36.504(a) which directs Defendant to take all steps necessary to bring its passenger loading zone and parking lot into full compliance with the requirements set forth in the ADA;
- c. Payment of costs and attorney's fees;
- d. Damages in the amount of \$8,000.00; and
- e. Provision of whatever other relief the Court deems just, equitable and appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on issues triable by a jury.

RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of June, 2025.



---

P. Kristofer Strojnik (242728)  
Attorneys for Plaintiff

**VERIFICATION**

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 6<sup>th</sup> day of June, 2025.



---

Theresa Marie Brooke